

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Stephen Kane, Acting Presiding Justice and Honorable Jennifer Detjen, Associate Justice; and Charlene Ynson, Assistant Clerk/Administrator, by Jill Rivera, Deputy Clerk.

F058599 In re R.M., a Minor

Cause called and argued by Michael E. Mitchell, Esq., counsel for appellant and by Charles A. French, Esq., Deputy Attorney General, counsel for respondent.

Counsel will stipulate that Wiseman, J. may listen to the recorded argument and participate upon her return to the court.

At this point Cornell, Acting P.J. joins the bench as Acting Presiding Justice with Dawson, J., replacing Detjen, J.

F058589 People v. Soojian

Cause called and argued by Cliff Gardner, Esq., counsel for appellant and by Amanda D. Cary, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Tuesday, November 9, 2010 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Dennis A. Cornell, Acting Presiding Justice; Honorable Gene M. Gomes, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Charlene Ynson, Assistant Clerk/Administrator, by Jeanette Zamorano, Assistant Deputy Clerk.

F058400 Dwight Staten v. Arthur Calderon et al.

Cause called and argued by Dwight Staten, appellant in propria persona and by Jaime Michelle Ganson, Esq., counsel for respondent.

Cause ordered submitted.

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F058836 Gregory T. Coffee v. TA Operating LLC

Cause called and argued by Kris Demirjian, Esq., counsel for appellant and by Maria Anne Starn, Esq., counsel for respondent.

Cause ordered submitted.

At this point Cornell, Acting P.J., Gomes, J. and Dawson, J. leave the bench; they are replaced by Levy, Acting P.J. and Poochigian, J.

F058350 People v. Brown

Cause called and argued by Linda M. Leavitt, Esq., counsel for appellant and by Leanne L. LeMon, Esq., Deputy Attorney General, counsel for respondent.

Counsel will stipulate that Hill, J. may listen to the recorded argument and participate upon his return to the court.

Court recessed until Monday, November 15, 2010 at 10:00 A.M.

F061100 In re Martin D. Miller

The appeal in the entitled action is taken from an order denying a petition for writ of habeas corpus. Such orders are not appealable. The appeal is therefore dismissed.

F058910 People v. Patrick-Bell

The above-entitled case is submitted for decision.

F058910 People v. Patrick-Bell

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F060893 L.L. v. The Superior Court of Kern County; Kern Co. Dept. of Human Services

Pursuant to the terms of this Court's order of October 28, 2010, and the failure of any party to request oral argument, the oral argument date of November 18, 2010, is vacated.

The matter is deemed submitted on the date of this order.

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F061152 Donald Pestell et al. v. American Carriage, Inc. et al.

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8.140, California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F059654 People v. Guerrero

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F058480 People v. Derry, Jr.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F058320 People v. Davis

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F059395 In re D.G. et al., Minors

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F059395 In re D.G., et al, Minors

The judgment is affirmed. Gomes, J.

We concur: Cornell, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F057903 People v. Abdelaziz

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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F057903 People v. Abdelaziz

The case is remanded to the trial court for recalculation of defendant's presentence custody credits and a correction of the abstract of judgment. In all other respects, the judgment is affirmed. Gomes, J.

We concur: Cornell, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F059474 People v. Cabello

The above-entitled case is submitted for decision.

F059474 People v. Cabello

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F058280 People v. Vallez

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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F058280 People v. Vallez

The matter is remanded to the trial court for resentencing. In all other respects, the judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F060674 B.L. v. The Superior Court of Fresno County; Fresno County Department of Social Services

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F059197 People v. Coronado

The sentence is modified to reduce the court security fee to \$90 and the facilities assessment to \$90. As modified, the judgment is affirmed. The superior court is ordered to prepare an amended abstract reflecting all of the following: (1) the \$90 court security fee; (2) the \$90 facilities assessment; (3) the fee imposed pursuant to section 1465.5; and (4) the DNA testing order. The superior court is ordered to transmit a certified copy of the amended abstract to the appropriate authorities. Levy, Acting P.J.

We concur: Hill, J.; Poochigian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F059005 People v. Reyes

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F059005 People v. Reyes

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F059008 People v. Magana

The sentence is modified to stay the eight-month term imposed for count 3. The stay shall become final if and when appellant has served the remainder of his sentence. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting the sentencing modification, and to transmit a certified copy of it to the appropriate authorities.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F060604 In re R.K., a Person Coming Under the Juvenile Court Law

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F060869 J.R. v. The Superior Court of Merced County; Merced County Human Services Agency

Pursuant to the terms of this Court's order of November 01, 2010, and the failure of any party to request oral argument, the oral argument date of November 18, 2010, is vacated.

The matter is deemed submitted on the date of this order.